

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:  
All Actions

**DEFENDANT 3M COMPANY’S MOTION TO DISMISS FOR FAILURE TO  
COMPLY WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court’s Pretrial Order No. 14 (“PTO 14”), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare, Inc. (collectively, “Defendants”) move the Court to dismiss the following Plaintiffs’ cases for failure to comply with PTO 14:

| Case Number                  | Title                 | Date Filed | PFS Due Date | Firm Name                       |
|------------------------------|-----------------------|------------|--------------|---------------------------------|
| <u>0:16-cv-00136-JNE-FLN</u> | Hager v. 3M Company   | 1/21/2016  | 12/26/2016   | Meshbeshier & Spence, Ltd.      |
| <u>0:16-cv-00621-JNE-FLN</u> | Weimer v. 3M Company  | 3/10/2016  | 1/27/2017    | Lockridge, Grindal, Nauen, PLLP |
| <u>0:16-cv-02755-JNE-FLN</u> | Fraley v. 3M Company  | 8/16/2016  | 12/26/2016   | Bernstein Liebhard, LLP         |
| <u>0:16-cv-02757-JNE-FLN</u> | Alford v. 3M Company  | 8/16/2016  | 12/26/2016   | Bernstein Liebhard, LLP         |
| <u>0:16-cv-02772-JNE-FLN</u> | Wilburn v. 3M Company | 8/18/2016  | 12/26/2016   | Bernstein Liebhard, LLP         |
| <u>0:16-cv-02803-JNE-FLN</u> | Johnson v. 3M Company | 8/19/2016  | 12/26/2016   | Bachus & Schanker, LLC          |

|                              |                              |            |            |                            |
|------------------------------|------------------------------|------------|------------|----------------------------|
| <u>0:16-cv-02874-JNE-FLN</u> | Garro v.<br>3M<br>Company    | 8/25/2016  | 12/26/2016 | Bernstein<br>Liebhard, LLP |
| <u>0:16-cv-02896-JNE-FLN</u> | Toler v.<br>3M<br>Company    | 8/26/2016  | 12/26/2016 | Bachus &<br>Schanker, LLC  |
| <u>0:16-cv-03383-JNE-FLN</u> | DePriest<br>v. 3M<br>Company | 10/6/2016  | 1/4/2017   | Bernstein<br>Liebhard, LLP |
| <u>0:16-cv-03553-JNE-FLN</u> | Barrett v.<br>3M<br>Company  | 10/18/2016 | 1/16/2017  | Gustafson<br>Gluek PLLC    |
| <u>0:16-cv-03781-JNE-FLN</u> | Fling v.<br>3M<br>Company    | 10/31/2016 | 1/29/2017  | Bachus &<br>Schanker, LLC  |

As set forth in the accompanying memorandum of law, plaintiffs in the cases listed above failed to serve the PFS as required by PTO 14 and, to date, remain delinquent. Defendants placed the above cases on the agenda for two sequential Court status conferences – the first on March 10, 2017 and the second on April 14, 2017. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: May 10, 2017

Respectfully submitted,

s/ Benjamin W. Hulse

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